

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
MANUEL COLON,

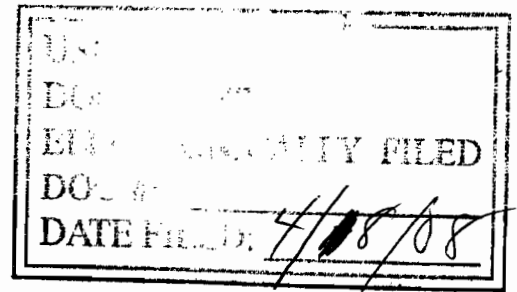
Petitioner,

-against-

DALE ARTUS, Superintendent,
Clinton Correctional Facility,

Respondent.
-----X

SHIRA A. SCHEINDLIN, U.S.D.J.:



ORDER

08 Civ. 2757 (SAS)

The above captioned habeas corpus petition, brought pursuant to 28 U.S.C. § 2254, was filed with this Court on March 14, 2008. After examining the petition, I have concluded that the petition should not be summarily dismissed.

Accordingly, it is hereby

ORDERED, that the Clerk of the Court serve copies of the petition, attached papers and memorandum of law, if any, and this Order by certified mail upon the Attorney General of the State of New York and the District Attorney of New York County, and it is further

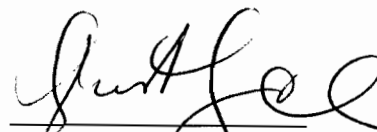
ORDERED, that respondent file an answer to the petition, or other pleading, along with the record on appeal, appellate briefs, and relevant trial and post-conviction records and transcripts, within ninety (90) days of the receipt of

this Order. Respondent is given ninety rather than the usual thirty days in response to the frequent request for an additional sixty days to receive and review the record on appeal. Because the additional time is incorporated into respondent's response time, no extensions will be granted, and it is further

ORDERED, that should the petitioner wish to file a reply to the respondent's answer, such reply shall be filed within fifteen (15) days of the receipt of the answer. Petitioner's reply must be served upon respondent's counsel. A courtesy copy of all papers shall be sent to Chambers as they are filed.

The Clerk of the Court is directed to forward a copy of this Order to counsel for all parties.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Shira A. Scheindlin', with a long horizontal line extending to the right.

Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
April 18, 2008

- APPEARANCES -

For Petitioner:

Richard M. Greenberg, Esq.
Office of the Appellate Defender
11 Park Place, Suite 1601
New York, NY 10007
(212) 402-4100

For Respondent:

Andrew Cuomo
Attorney General for the State of New York
120 Broadway
New York, New York 10271
(212) 416-8000

Robert Morgenthau
District Attorney of New York County
80 Centre Street
New York, New York 10013
(212) 815-0400